

REMARKS and ARGUMENTS

This response is to the Office Letter mailed in the above-referenced case on January 8, 2007. Claims 19- 28 are standing for examination. Claims 19-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang (U.S. 2003/0009537) hereinafter Wang.

Applicant draws Examiner's attention to the priority of 09/633,801 as it appears in the application:

Cross-Reference to Related Documents

1) The present invention is a continuation-in-part (CIP) to a U.S. Patent application S/N 09/569,746 entitled "A Modular RF Communication Module for Automated Home and Vehicle Systems" filed on 5/11/2000, which is a CIP to a patent application S/N 09/477,226 "A Home and Vehicular Automation and Control-Driven Web Portal" filed on 1/4/2000, disclosures of which are included herein in their entirety by reference.

2) Applicant has attached a declaration under 37 CFR § 1.131 indicating that the instant invention was in his possession no later than February 15, 2000. Therefore, 2003/0009537 lacks priority over the pending application.

3) New claims, 29 - 36 have been added to the pending application; the specification of 09/477,226, filed on Jan. 4, 2000, contains matter sufficient for claims 29 - 31 and 34 in the pending application. Exhibit A of the declaration supports a priority date of Nov. 18, 1999

for claims 29 - 31. No new matter which may have been included in the current application, 09/633,801, is required for claims 29 - 31. Exhibit B of the declaration supports a priority date of at least February 15, 2000 for claims 32, 33, 35 and 36.

4. With regard to 2003/0009537 and the 35 U.S.C. 102(e) rejection, please note that Wang specifically defines the relationship and nature of the various elements:

"[0013] A method for providing user interfaces in a first network to a remote access device, the first network including first devices interconnected via a communication medium, and at least one interface device for communication with the remote access device, the user interfaces for controlling the devices that are currently connected to the first network. The remote access device establishes communication with the first network via the interface device; the remote access device sends a request to the interface device for accessing the first network; at least one of the first devices in the first network obtains information from one or more of said first devices currently connected to the first network, said information including device information, and generating a user interface description including at least one reference associated with the device information of each of said one or more first devices; the interface device sends the user interface description to the remote access device; and the remote access device displays a user interface based on the user interface description, for user interaction with the first network.

Note that in [0004], Wang has defined "device" as being "home devices", including personal computers to washers.

4.1 To summarize [0013]:

- a) the first network contains devices able to communicate with each other via a communication medium.
- b) the first network contains at least one "interface device" for communicating with a "remote access device".
- c) The "remote access device" displays information obtained from the interface device which originated from a first device on the network which obtained it from another first device on the network.

4.1.1 The instant invention has no comparable structure or hierarchy. "Control units" communicate only with the "base station", not among each other; the sensors are "sensed" and the actuators are "actuated"; this is not communication. The base station displays information as communicated from a server based on data supplied by the base station to the server. Control units are not "devices" as found in the home per se; the server is not resident in the home or in communication with the control units except through the base station.

4.2 MPEP § 2131 provides:

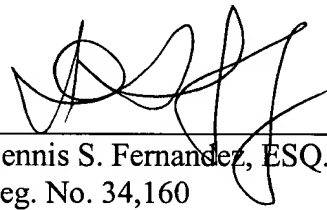
A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Appl.No. 09/633,801
Amdt. Dated April 6, 2007
Reply to Office action of January 8 & March 30, 2007

Applicant respectfully points out that the prior art reference relied upon by the Examiner as a §102 rejection does not contain every element recited in the claim in as complete detail as is contained in the claim and arranged as recited in the claim, the rejection is traversed as being improper.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,


Dennis S. Fernandez, ESQ.
Reg. No. 34,160

Date: 04/06/2007

Address: **FERNANDEZ & ASSOCIATES, LLP**
Patent Attorneys

Customer No: **22877**

Phone: (650) 325-4999
Fax: (650) 325-1203
Email: iploft@iploft.com